



State of New Jersey
Department of Environmental Protection
GOVERNMENT RECORDS REQUEST FORM



IMPORTANT NOTICE

Please read this entire form carefully as it contains important information concerning the response to your record request, accessing records, disputing denials, and your rights concerning government records. For further information, access WWW.NJ.GOV/DEP/OPRA.

Requestor Information


First Name:	ALISON	MI	Last Name	YOUNG
Company:	USA TODAY			
Mailing Address:	USA TODAY 7950 JONES BRANCH DRIVE			
City:	McLean	State:	VA	Zip: 22108 Email: ayoung@usatoday.com
Business Telephone:	(703) 854-6466		Extension	
Facsimile Telephone:	()-			

State Use Only

Tracking #	101806
Received Date	03/07/2011
Access Method	Send Paper copies
All matters relating to the response and access of any records identified for this request should be directed to: NJDEP – Office of Record Access 401 East State Street PO Box 442 Trenton, New Jersey 08625-0442 Tele #: (609) 341-3121 Fax #: (609) 292-1177	

Record Request Details:

See Attached

Disposition Notes	Record Request Response	
Based on this record request, responsive records have been identified and available for access. Requester should contact the Office of Record Access at 609-341-3121 to schedule a file review, copies, or to obtain further information.	In Progress	- Open
	Filled	- Closed X
	Denied	- Closed
	Partial	- Closed
Addendum Disposition Notes: NONE	 03/14/2011	
	Custodian Signature Date	

Access to Government Records Under the New Jersey Open Public Records Act (N.J.S.A. 47:1A-1 et seq.)

Information Regarding the Requested Records		
If your request is in reference to a single facility, please provide the name of the facility, and the name of the operator name of the facility:	Facility Name: Barth Smelting Corp Operator Name:	
Please provide the owner name the facility or parcel of land:	Owner Name:	
If your request is in reference to a specific parcel of land, please provide the street address, block, lot and property owner of the parcel of land: (Note: if the property in question is over multiple blocks and lots, please list all in the description field below)	Street Address 1: 9 Fredon St Street Address 2: Newark, NJ 07105 Block: Lot:	
If your request is in reference to a facility, site or parcel of land, please provide the Municipality and County where the facility, site or parcel of land is located:	County: Municipality:	
If the request is in reference to a particular permit issued by NJDEP, please provide the type of permit and any identifying numbers such as permit, incident or case numbers. (i.e. Fishing, Hunting, Hazardous Waste, Solid Waste, Land Use, NJPDES, Pesticides, Stream Encroachment, TWA, UST, Water Allocation)	List Permit Type:	List ID Numbers:
If your request is in reference to an individual, please provide the individual's name and type, and if the individual is a DEP employee, your relationship with the individual:	Individual's name: Type of Individual: Relationship:	
If the an individual was specified above, the individual was DEP Licensed, please specify the license type the individual holds:	License Type:	

The New Jersey Department of Environmental Protection has responded to your submitted Open Public Records Act (OPRA) record request. The following information will help you understand the response and your next available actions.

Tracking #: This is the Department's assigned Tracking # to your OPRA record request, which should be used in all corresponding matters.

Record Request Response:

- **In Progress** – Based on the nature of the request, the records sought, and/or the manner to which the records may exists, the Department requires additional time to investigate and respond to the request.
- **Filled** – Based on the information provided in your request, the Department was able to investigate and respond to your record request.
- **Denied** – Based on the nature of the request and/or the records sought, the Department has denied your request pursuant to a specific exemption(s) cited in N.J.S.A. 47:1A-1 seq.
- **Partial** – The Department has identified both responsive government records and records being denied based on the nature of the request and/or the records sought, that do not meet the definition of a government record pursuant to a specific exemption(s) cited in N.J.S.A. 47:1A-1 seq.

Disposition Notes: Provides detailed information concerning the Department's response to your request.

Accessing Records: Dependent on the volume of records and your interest, there are four (4) methods available to access the responsive government records:

- **File Review** – Schedule a file review with the Department to directly access the records and take notes or tag records of interest for copying. Copying can be performed by either the Department's onsite Copying Unit at State duplication fee costs or by the requester employing a Copy Vendor Service. If there are records stored in archives, a five-day processing period will be included prior to scheduling a review.
- **Copy Request** – All records of interest will be copied by the Department's onsite Copying Unit at State duplication fee costs unless a Copy Vendor Service is employed.
- **Electronic Records Request** – Dependant on the size & nature of the e-records, the Department will email the records or provide a CD or DVD.
- **Fax Request** – Based on the number of pages, the Department faxes the responsive records.
- **Web Access** – The responsive records can be access directly through the Department's web site. Web address will be provided.

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1. The fees for duplication of a government record are specified below. We will notify you of any special charges, special service charges or other additional charges authorized by State law or regulation before processing your request. Payment shall be made by cash, check or money order payable to the State of New Jersey and mailed to the address specified below.

Hard Copies:

Letter & Legal size	= \$0.05 per page
Oversized Maps (Color)	= \$5.00 per map
Oversized Maps (B&W)	= \$3.00 per map

Electronic Records: CDs = \$2.00 per CD
DVDs = \$2.00 per DVD

* A **special service fee** will be applied to all copy jobs where time is expended preparing the records to be copied (removing staples, bindings, etc) and reassembling the records. The fee will be based on the direct salary costs of the individual making the copies.

2. Pursuant to OPRA (C.47:1A-5c & C.47:1A-5d), the Department will apply service fees for any extraordinary expenditure of time and effort to accommodate a request. The service fees will be based upon the actual direct cost of providing the service or extraordinary time. If the requester objects to the fee, the request is closed and access to the records is not granted.

An **extraordinary time service fee** will be charged for those requests that required the Department to expend extraordinary effort and time investigating, preparing and providing the responsive records. These requests normal require the involvement of numerous record custodians, file officers and staff through different Department Program Areas based on the general broadness of the request and not specifying a particular record but a category of records. The extraordinary time service fee is incurred prior to the Department notifying the requester due to the fact that the Department is unable to estimate the extraordinary time that may be required on a particular request until all of the staff needed to respond to the request have completed their activities. The Department charges \$68.65/Hr Fee for extraordinary time (EOT) service fees.

A **special service fee** will be charged for a request that requires a specific Department employee to expend an extraordinary effort and time in order for the Department to provide the records. Such activities include but shall not be limited to converting electronic records from one medium to another medium, preparation of records for copying such as the disassembly (e.g. removal of staples & bindings) and reassembly of files, reviewing of records for responsiveness and privilege information, redaction of records. The actual direct costs of the Department's employee will be charged.

3. By law, the Department must notify you that it grants or denies a request for access to government records within seven business days after the custodian of the record requested receives the request, provided that the record is currently available and not in storage. If the record requested is not currently available or is in storage, the custodian will advise you within seven business days when the record can be made available and the estimated cost. You may agree with the custodian to extend the time for making records available, or granting or denying your request.
4. You may be denied access to a government record if your request would substantially disrupt agency operations and the custodian is unable to reach a reasonable solution with you.
5. If the Department was unable to comply with your request for access to a government record, the custodian will indicate the reasons for denial on the request form.
6. Except as otherwise provided by law or by agreement with the requester, if the custodian of the record requested fails to respond to you within seven business days of receiving a request form, the failure to respond will be considered a denial of your request.
7. **Resolution of Disputed Findings:**

In the event that a requester does not agree with the Department's record response, the requester should:

No Records - Reexamined the request details to evaluate if all of the information was provided that could aid the Department in locating records. The Department's ability to identify records of interest is in direct correlation to matching the Department information with the information provided on the request. Such important identifiers are Facility/Site Name, Address, Case #, Permit #, Block/Lot.

Denial - If your request for access to a government record has been denied or unfilled within the time permitted by law, you have a right to challenge the decision by the Department to deny access. The Department denies access to records only when those records do not meet the definition of a government record and/or public access is not allowed pursuant to the law. At your option, you may either:

- a. Contact the Office of Record Access to re-visit the matter or provide further explanation.
- b. Institute a proceeding in the Superior Court of New Jersey
- c. File a complaint in writing with the Government Records Council (GRC). You may contact the GRC by toll-free telephone at 866-850-0511, by mail at PO Box 819, Trenton, NJ, 08625, by e-mail at grc@dca.state.nj.us, or at their web site at www.state.nj.us/grc. The Council can also respond to other questions about the law.

8. Information provided on this form may be subject to disclosure under the Open Public Records Act.

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Revised Addendum Disposition Notes: NONE